

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

IN RE: Bill of Lading Transmission and Processing System Patent Litigation.

R+L CARRIERS, INC.,

PLAINTIFF,

V.

**AFFILIATED COMPUTER SERVICES, INC., ET
AL.,**

DEFENDANTS.

Case No. 1:09-md-2050-SSB

**DEFENDANTS' JOINT MOTIONS TO DISMISS
WITH MEMORANDUM IN SUPPORT**

Pursuant to FEDERAL RULE OF CIVIL PROCEDURES 12(b)(6), Affiliated Computer Services, Inc. (“ACS”), DriverTech, LLC (“DriverTech”), Intermec Technologies Corp. (“Intermec”), Microdea, Inc. (“Microdea”), PeopleNet Communications Corporation (“PeopleNet”), and Qualcomm Incorporated (“Qualcomm”) (collectively, “Defendants”) (“R+L’s Amended Claims”) move to dismiss R+L Carriers, Inc.’s (“R+L”) amended claims of contributory and active inducement of patent infringement and new claim of “declaratory judgment of justiciable controversy.”¹

¹ See First Amended Complaint Against ACS (Doc. 124); First Amended Complaint Against DriverTech (Doc. 121); First Amended Complaint Against Intermec (Doc. 126); First Amended Complaint Against Microdea (Doc. 122); First Amended Complaint Against PeopleNet (Doc. 125); First Amended Complaint Against Qualcomm (Doc. 123).

This Motion is supported by the attached Memorandum in Support, as well as the following joinders that set forth the deficiencies in R+L's claims as to same for each identified Defendant:

- Exhibit 1 – ACS;
- Exhibit 2 – DriverTech;
- Exhibit 3 – Intermec;
- Exhibit 4 – Microdea;
- Exhibit 5 – PeopleNet; and
- Exhibit 6 – Qualcomm.

This Motion is further supported by the following exhibits:

- Exhibit 7 – 02/02/10 Transcript of the Hearing on Motions to Dismiss;
- Exhibit 8 – 04/06/10 Transcript of the Hearing of Status Conference;
- Exhibit 9 – R+L's Preliminary Claim Construction For U.S. Patent No. 6,401,078; and
- Exhibit 10 U.S. Patent No. 6,401,078.

Dated: April 27, 2010

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that Defendants conferred with opposing counsel in a good-faith effort to resolve the matter without court action.

/s/ Richard S. Zembek

Richard S. Zembek

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 27, 2010, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Douglas J. Williams
